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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,739	10/14/2003	Gary J. Brewer	NOR-1106A	4287

37172 7590 10/26/2006

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EXAMINER

TADESSE, YEWEBDAR T

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,739

Applicant(s)

BREWER, GARY J.

Examiner

Yewebdar T. Tadesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 8-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable Simashkevich et al (US 4,544,100) in view of Hartle et al (US 6,460,787).

With respect to claim 1, Simashkevich et al discloses (see Figs 1 and 3-4; and column 5, lines 21-46 and Abstract) a system for dispensing a liquid in coating patterns of selectively varying width, comprising a film coater (gun 10) for receiving the liquid and having dispensing nozzle (13) for dispensing the liquid, a liquid pressure regulator (liquid inlet 20 and control rod 62 within flow passages) operatively connected to the film coater supplying liquid to the film coater; a selector valve (102) coupled to the liquid pressure regulator(liquid inlet 20 and control rod 62 within flow passages); a first air pressure regulator (shoulder 150 resting against shoulder 151) coupled to the selector valve and configured to deliver the pressurized air at a first pressure to the selector

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valve; a second air pressure regulator (shoulder 152 engages the rear shoulder 154) coupled to the selector valve (102) and configured to deliver the pressurized air at a second pressure to the selector valve; and a control (adjusting screw 114, see column 6, lines 26-47) for moving the selector valve (102) between first and second positions for selectively delivering the pressurized air under either the first pressure or the second pressure to the liquid pressure regulator to thereby cause the liquid to be delivered to the film coater at different pressures to change the width of the dispensed liquid coating pattern from the nozzle. Simashkevich et al lacks teaching a liquid pressure regulator operated by pressurized air. Hartle et al discloses (see Fig 15) a system for dispensing liquid comprising a liquid pressure regulator (see Fig 15) operated by pressurized air for selectively adjusting pressure of the liquid (fluid) supplied to the gun. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a liquid pressure regulator operated by pressurized air in Simashkevich et al to automatically supply the coating material to the gun.

Regarding claim 4, in Simashkevich et al lacks teaching a control system configured for automatic selection of a first mode corresponding to the first position of the selector valve, and a second mode corresponding to the second position of the selector valve. Hartle et al discloses (see fig 17) an automatic control system capable of operating in different mode of operation as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a control system configured to select different modes of operation to automatically control the coating operations

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other than by a manual actuated trigger mechanism as taught by Hartle et al (see column 14, lines 14-17).

As to claims 5-6, in Simashkevich et al the first pressure regulator is capable of providing a pressurized air to the selector valve at a pressure of approximately 10 psi to approximately 30 psi or less than approximately 10 psi.

As to claim 7, in Simashkevich et al the first air pressure regulator is capable of providing a pressurized air to the selector valve at a pressure greater than the second air pressure regulator.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simashkevich et al (US 4,544,100) in view of Hartle et al as applied to claim 1 and further in view of WO 89/01989. Simashkevich et al lacks teaching a crosscut nozzle. However the use of crosscut nozzle is well known in the art (see claim 4 of WO'989). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a crosscut nozzle in Simashkevich et al to form a dove tail shaped flat fan pattern as taught by WO'989 (see Abstract).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simashkevich et al (US 4,544,100) in view of Hartle et al as applied to claim 1 and further in view of Scharfenberger (US 4,159,806).
Simashkevich et al as modified discloses a system configured for automatic selection of mode of the selector valves to apply the fluid at the predetermined liquid pressure,

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however a control comprises a user interface configured for selection, by an operator, of the modes selector valve is not taught. Scharfenberger discloses a user interface configured for selection of modes of selector valves for an operator (see switch 110 of Fig 3a). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a control comprises a user interface configured for selection, by an operator, of the modes selector valve in Simashkevich et al to switch from one mode to another mode.

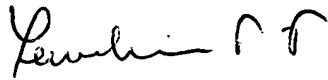
6. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T. Tadesse whose telephone number is (571) 272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM-4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



YTT